

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COUNTRY FRESH, L.L.C.,

Plaintiff,

vs.

CASE NO. 2:11-cv-10912-PJD-MKM
HON. PATRICK J. DUGGAN

RETAIL, WHOLESALE AND DEPARTMENT
STORE UNION LOCAL 602 UFCW,

Defendant,

CUMMINGS, McCLOREY, DAVIS & ACHO, PLC
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**STIPULATION AND ORDER FOR
CONSENT DECLARATORY JUDGMENT**

IT IS HEREBY STIPULATED, by and between the parties hereto, through their respective attorneys of record, that the demand for binding arbitration that Defendant Retail, Wholesale and Department Store Union Local 602 UFCW (hereinafter Local 602), has filed on behalf of a retired former employee from the former Flint Plant and Distribution Center of the Plaintiff Country Fresh L.L.C., under the grievance procedure outlined in the Collective Bargaining Agreement, effective

from September 6, 2008 through and including September 10, 2011 is dismissed, as the grievance, which involves pension rights of an individual participant, is not arbitrable as a matter of law.

IT IS FURTHER STIPULATED that any scheduled and pending arbitration hearings on the grievance filed by Local 602 on this issue are cancelled.

IT IS FURTHER STIPULATED the participants and/or beneficiaries of the Company Pension Plan IP-318 (also known as McDonald Dairy Company Pension Plan) are obligated to utilize the appeal procedures as set forth in the Summary Plan Document.

IT IS FURTHER STIPULATED, that a Consent Declaratory Judgement be entered and this case be dismissed without prejudice and without costs to either party.

/s/ Ronald G. Acho
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Dated: May 12, 2011

ORDER

IT IS SO ORDERED.

S/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: May 20, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 20, 2011, by electronic and/or ordinary mail.

S/Marilyn Orem
Case Manager